

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Keith Burris,)	
)	Civil Action No. 8:04-22682-CMC-BHH
Plaintiff,)	
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
Jail Administrator,)	
)	
Defendant.)	
_____)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On February 14, 2005, a copy of an order advising the defendant of the deadline for filing dispositive motions was mailed to the plaintiff's last known address (York County Detention Center, 1675-3A York Highway, York, SC 29745). The envelope containing this order was returned to the court on February 24, 2005, marked "No Longer at this Address."

In the interim, on February 18, 2005, the defendant filed a motion for summary judgment. On February 18, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), an order was mailed to the plaintiff at the York County Detention Center address advising him of the summary judgment procedure and the possible consequences if he failed to respond adequately. The envelope containing this order was returned to the court marked "No Longer at this Address."

The record reveals that the plaintiff was advised by order dated November 3, 2004, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

Bruce H. Hendricks
United States Magistrate Judge

April 19, 2005

Greenville, South Carolina